IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 19833 of 2004

Between:

J.Danaiah S/o.Yerraiah,
Aged 40 years, Occu: R/o.Seetharamnagar Palasa,
Srikakulam District.

..... PETITIONER

AND

1. A.P.S.R.T.C., The Regional Manager
   Srikakulam Region, Srikakulam.
2. Depot Manager A.P.S.R.T.C. Palasa Depot,
   Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ Mandamus or any other appropriate writ declaring the action of the respondents in deleting the name of the petitioner vide Proceedings No.02/95(162)/2004 -PLS dated 15.9.2004 as illegal and arbitrary and consequently direct the respondents to reinstate the petitioner into service with back wages and all other attendant benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 AND 2: KUM.B.G.UMA DEVI, STANDING COUNSEL FOR APSRTC.

The Court, at the stage of admission, made the following:

ORDER:

1. The petitioner contends that he was appointed in the Srikakulam Region of the respondents—Corporation as a Casual Conductor after due selection by the Selection Committee in March, 1997 and his name finds place in the list of selected Conductors. On

13-08-2004, while the petitioner was discharging his duties, a charge memo was issued to him for not issuing tickets to three passengers. The petitioner submitted his explanation. Without considering the same, the second respondent issued a show cause notice on

21-08-2004 as to why his name should not be deleted from the approved/selected list. The petitioner submitted his explanation to the said notice on 04-09-2004. The grievance of the petitioner is that the second respondent, without considering the circumstances explained by him through his explanation and without conducting any enquiry, issued an order dated 15-09-2004 deleting his name from the approved/selected list and was removed from service. The petitioner, therefore, approached this

Court through this writ petition to declare the proceedings of the second respondent dated
15-09-2004, as illegal, arbitrary and violative of the principles of natural justice.

2. It is an undisputed fact that the petitioner was selected as a Conductor through a Selection Committee as per the Regulations of the Corporation. The petitioner was appointed as a Casual Conductor for want of regular vacancies. Since the petitioner was a regularly selected employee, an enquiry ought to have been conducted before imposing the punishment of deleting his name from the list of approved/selected candidates. The second respondent, instead of conducting an enquiry, passed the impugned order only after issuing the show cause notice and receiving the explanation from the petitioner. Since the deletion of the name of the petitioner from the list of approved/selected candidates was done through the impugned order, without conducting an enquiry, the order is liable to be set aside.

3. In the result, the writ petition is allowed. The impugned order dated 15-09-2004 is set aside. The respondents are directed to restore the name of the petitioner in the list of approved/selected candidates and continue to engage him on the basis of availability of the work on the same terms and conditions in which he used to engage prior to the deletion of his name from the list of approved/selected candidates.

4. This order will not preclude the second respondent from conducting a regular enquiry against the petitioner and pass appropriate orders according to the rules.

(Dr.G.Yethirajulu, J)

29th October 2004

LRKM.

To

1. The Regional Manager
   Srikakulam Region, Srikakulam.
2. Depot Manager A.P.S.R.T.C. Palasa Depot,
   Srikakulam District.

3. 2 CD copies.